

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,
Plaintiff,

v.

Civil Action No. 3:17-01362

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

v.

Consolidated case:
Civil Action No. 3:17-01665

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*
Defendants.

**PLAINTIFFS' NOTICE OF DESIGNATED DEPOSITION
TESTIMONY AND EXHIBITS SUBMITTED BY PLAINTIFFS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 32, Plaintiffs, the City of Huntington and Cabell County Commission, by and through undersigned counsel, moved for admission and submitted to the Court twenty-three designated deposition testimonies of the following listed witnesses (name; title, affiliation; deposition date; and footnote containing the request for admission pincite and date Plaintiffs' physically submitted to the court in hard copy and in electronic fashion the designated testimony transcript (including Plaintiffs' affirmative designations and applicable Defendants' counter designations, Defendants' completeness designations, Plaintiffs' reply designations, and Plaintiffs' completeness designations), exhibits (offered by Plaintiffs and Defendants), and related objections and responses regarding both deposition testimony and deposition exhibits):

1. **Vic Brown**; Executive Director, Appalachia HIDTA; 5/17/2020;¹
2. **Stacy Harper-Avilla**; Section Chief, UN Reporting & Quota Section, Drug Enforcement Administration; 4/11/2019;²
3. **Thomas Prevoznik**; Associate Section Chief for Pharmaceutical Investigations Section of Diversion Control Division (former), Unit Chief of Liaison, Office of Diversion Control (current), Drug Enforcement Administration; 4/17/2019, 4/18/2019, and 5/17/2019;³
4. **Matthew Strait**; Head of Office of Diversion Control (former) and Deputy Assistant Administrator, Diversion Control Division, Drug Enforcement Administration; 5/31/2019;⁴
5. **John Gray**; President and Chief Executive Officer, Healthcare Distribution Alliance (HDA, formerly HDMA); 7/30/2020;⁵
6. **Patrick Kelly**; Executive Vice President, Government Affairs, Healthcare Distribution Alliance; 5/10/2019;⁶
7. **Eric Cherveney**; Director of Diversion Control & Security AmerisourceBergen Drug Corporation; 11/9/2018;⁷
8. **Nathan Elkins**; District Director, AmerisourceBergen Drug Corporation; 11/14/2018;⁸

¹ 5/28/2021 Trial Tr. at 132:9-11.

² 6/17/2021 Trial Tr. at 247:19-22.

³ 5/7/2021 Trial Tr. at 63:16-65:6 (moved only; hard & digital copies submitted 5/10/2021).

⁴ 6/17/2021 Trial Tr. at 247:19-22.

⁵ 5/24/2021 Trial Tr. at 235:17-236:12.

⁶ 5/24/2021 Trial Tr. at 235:17-236:12.

⁷ 6/17/2021 Trial Tr. at 247:19-22.

⁸ 6/17/2021 Trial Tr. at 247:19-22.

9. **Edward Hazewski**; Corporate Security & Regulatory Affairs, AmerisourceBergen Drug Corporation; 10/25/2018;⁹
10. **Lisa Mash**; Vice President of Field Sales, Community and Specialty Pharmacy, AmerisourceBergen Drug Corporation; 7/28/2020;¹⁰
11. **Eric Brantley**; Director of Compliance/Compliance Officer of Cardinal Health, Inc.; 11/27/2018;¹¹
12. **Mark Hartman**; Senior Vice President of Supply Chain Integrity, Cardinal Health, Inc.; 11/15/2018;¹²
13. **Kim Howenstein**; Director of Non-PD Customer Management, Cardinal Health, Inc.; 1/10/2019;¹³
14. **Steve Lawrence**; Senior Vice President Independent Sales, Cardinal Health, Inc.; 1/4/2019;¹⁴
15. **Jennifer Norris**; Vice President & Associate General Counsel, Cardinal Health, Inc.; 8/7/2018;¹⁵
16. **Gilberto Quintero**; Chief Quality & Regulatory Affairs Officer, Cardinal Health, Inc.; 12/6/2018;¹⁶
17. **Steve Reardon**; Vice President of Quality Regulatory Assurance, Cardinal Health, Inc. (former); currently self-employed Cardinal Health, Inc. Consultant; 11/30/2018;¹⁷

⁹ 6/17/2021 Trial Tr. at 247:19-22.

¹⁰ 6/17/2021 Trial Tr. at 247:19-22.

¹¹ 5/28/2021 Trial Tr. at 132:9-11.

¹² 6/29/2021 Trial Tr. at 122:2-24.

¹³ 6/29/2021 Trial Tr. at 122:2-24 (moved only) and 7/1/2021 at 9:12-14 (hard & digital copies submitted).

¹⁴ 5/28/2021 Trial Tr. at 132:9-11.

¹⁵ 6/29/2021 Trial Tr. at 122:2-24.

¹⁶ 6/29/2021 Trial Tr. at 122:2-24.

¹⁷ 5/28/2021 Trial Tr. at 132:9-11.

18. **Gary Boggs**; Vice President of Regulatory Affairs and Compliance, McKesson Corporation and former DEA official.; 1/17/2019;¹⁸
19. **David Gustin**; Director of Regulatory Affairs, McKesson Corporation; 8/17/2018;¹⁹
20. **Nathan Hartle**; Vice President of Regulatory Affairs & Compliance, McKesson Corporation; 7/31/2018 (*30(b)(6) McKesson Corporation witness testimony*);²⁰
21. **Nathan Hartle**; Vice President of Regulatory Affairs & Compliance, McKesson Corporation; 8/1/2018 (*fact witness testimony*);²¹
22. **Gary Hilliard**; Director of Regulatory Affairs (former), McKesson Corporation; 1/10/2019;²²
23. **Donald Walker**; Former Senior Vice President of Distribution Operations, McKesson Corporation; 1/10/2019.²³

Accompanying this Notice in “Appendix A” please find copies of the aforementioned transcripts that were submitted to the Court. These transcripts were submitted to the Court with videos of the testimony, the parties’ designations with objections and responses, the parties’ designation exhibit lists and any corresponding objections and responses, and the parties’ designation exhibits in both hard and digital copy.²⁴ Also accompanying this notice please find Plaintiffs’ Master Deponent Exhibit List “Appendix B” and Defendants’ Master Deponent Exhibit List “Appendix C” of those exhibits submitted to the court with particular witness testimony.

¹⁸ 5/28/2021 Trial Tr. at 132:9-11.

¹⁹ 6/29/2021 Trial Tr. at 122:2-24.

²⁰ 5/7/2021 Trial Tr. at 62:23-63:15 (moved only; hard & digital copies submitted 5/10/2021).

²¹ 6/17/2021 Trial Tr. at 247:19-22.

²² 5/28/2021 Trial Tr. at 132:9-11.

²³ 6/29/2021 Trial Tr. at 122:2-24.

²⁴ See 7/28/2021 ECF. 1478-1.

Finally accompanying this notice please find Parties' Witness Transcript Designation Worksheets with deposition designations, objections, and responses in "Appendix D".

Dated: August 16, 2021

Respectfully submitted,

THE CITY OF HUNTINGTON

/s/ Anne McGinness Kearse

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2021, the foregoing Plaintiffs' Notice of Designated Deposition Testimony and Exhibits Submitted by Plaintiffs was filed electronically via the CM/ECF electronic filing system and served on all counsel registered in the system.

/s/ Monique A. Christenson

Monique A. Christenson (SC Bar No. 104063)

MOTLEY RICE LLC